

NEW ORLEANS, May 8, 1848.

The court met, pursuant to the call of the president.

Present, all the members and the judge advocate and recorder.

The judge advocate informed the court that he had the witnesses, who were unable to attend before to-morrow.

The court then, after consideration, decided that they would meet in Frederick, Maryland, on the 29th of May, 1848, and directed the judge advocate to give notice to the parties, and to summon the witnesses to meet the court in that city.

The court then adjourned until to-morrow morning at 10 o'clock.

NEW ORLEANS, May 9, 1848.

The court met pursuant to adjournment.

Present, all the members and the judge advocate and recorder.

Major General Pillow before the court.

Mr. John McGinness, of New Orleans, duly sworn, says:

Question by prosecution. Look at the paper signed Leonidas, and state what you know in relation to that paper?

Answer. It was on the night of the seventh, or morning of the eighth of September last, about one or two o'clock in the morning, perhaps, I was awakened by the foreman of the Delta office, with the news that the Mexican mail had arrived; I would state further, that it was my business to make up the Mexican news, as the other editors were absent; among the letters or papers in the package or packages was this letter which I have in my hand, (No. 3.) as near as I can identify any document that was in my possession. I afterwards gave this letter to Mr. J. L. Freaner.

Question by prosecution. Do you know in what package that letter came?

Answer. To the best of my recollection, it came in a package with some letters and documents from Mr. Freaner with some Mexican news.

Question by prosecution. Why was the letter given to Mr. Freaner?

Answer. At Mr. Freaner's request; it was made in writing twice; the dates I cannot specify; and verbally once, that is when he asked me to hand it to him in the office.

Question by prosecution. Did he give any reason for this request, or give any opinion about the letter.

Answer. He always spoke of it as a very ridiculous production, and asked for it for his own security.

Question by prosecution. Have any attempts been made to influence the course of the "Delta" towards certain general officers of the United States army; was any undue influence used to this end, and if so, through whom, and in respect to what general officers?

Answer. I would answer, that our correspondents have frequently given their opinions of the merits and demerits of several officers, but no attempt, that I am aware of, has ever been made to influence the course of the "Delta," and I don't believe any officer would be fool enough to make the attempt.

Question by prosecution. Was any indication given to those interested in the "Delta," that it would be to the advantage of said newspaper to change its course in reference to certain general officers of the United States army; and if so, in respect to what general officers and by whom?

Answer. I know of no particular indication given by any one; I have heard opinions expressed by the masses, and advice volunteered by the friends of the "Delta," which is done every day.

Question by prosecution. Do you consider Mr. James L. Freaner as your authorized agent for correct reports of what transpires in or about the army in Mexico, wherever he may be; and if so, would the letter signed "Leonidas" have been published in your paper, if it had not come to you enclosed in your package of correspondence?

Answer. I consider Mr. Freaner as an authorized agent for correct reports of what transpires in Mexico. I believe the letter signed Leonidas would not have been published in the Delta, had it not come in Mr. Freaner's package, or supposed to have come in his package, with his sanction. The packages were all broken open, and the contents mixed together, when I was called. I believed, then, it came in Mr. Freaner's package, and I believe so now.

Question by defence. Witness will state if the Delta had defended General Pillow from the assaults of other presses, up to the time the American army entered the capital of Mexico; state, also, if this course, on the part of the Delta, was entirely voluntary, and unsolicited by General Pillow, and was adopted before General Pillow was personally known to any of its editors?

Answer. With regard to dates, I cannot state, definitely, how long it defended General Pillow; and, as far as my knowledge extends, this defence was voluntary and unsolicited, and was before he was known to the editors of the Delta. My position in the office being principally in the business department, I cannot answer that question with the accuracy that I could were I the editor, and controlled its columns.

Question by defence. Has not the Delta published many letters and communications from Mexico, in regard to the movements of the army, which did not come in Mr. Freaner's packages; and is there not another one, besides the Leonidas letter, in the very number containing that letter?

Answer. It has. There is another letter in the same number, as I see by the paper.

The Hon. Alexander Walker, duly sworn, says:

Question by prosecution. Look at paper No. 3, the letter of Leonidas, and state your knowledge of that paper?

Answer. I am the editor of the Delta—having general charge of

the editorial matters of that paper; especially of that portion of the paper devoted to Mexican news, and to the operations of our army. Mr. McGinness, whose testimony has just been given, being always on the spot, is in the habit of examining the packages, and arranging those which come from Mexico, in my absence. The Mary Kingsland, the steamer which brought the first despatches from Mexico relating to the battles in the valley, arrived in this city early on the morning of the 8th of September, about 2 o'clock, a. m. The packages brought for the Delta were opened in the office, in order to get out, for that morning, a hasty account of the battles. When I came to the editorial office I found, among the other letters which had been brought by the Mary Kingsland, this letter, Leonidas, which is marked No. 3, which I presumed had been sent by our regular correspondent, Mr. J. L. Freaner. I read the letter, and was not pleased with the style or character of it, and therefore laid it aside for consideration. Finding, however, that the letter contained some information relative to the battles, and knowing the great anxiety of the public to catch at every report or statement bearing upon those interesting events; believing that it had been approved by our correspondent, I thought proper to publish it, on the 10th of September, with corrections, omissions, and alterations; the object of which was to improve the style, and to moderate the extravagance of its praise of a particular officer and corps; believing that the public would view it, as we did, as the emanation of some young officer whose observation, being confined to the operations of his own corps, led him, naturally, to exaggerate its achievements. I will state the alterations. On the second page, in the first interlineation, which I feel certain is made by me, is in the word "wounded." On the third page is the word "victorious," substituted for "triumphant." I think the word "to advance," on the same page, was erased by me. On the fourth page, the next interlineation, of which I have a very distinct recollection, and the object I had in view in making it, "ground, and were compelled to wade," were the interlineation. I erased the reference to the ditches. A few lines further, the word "nobly" is erased, and "with great ardor," interpolated. The erasures and cancellations on the fourth page are all made by me.

On the fifth page there is one erasure of "General Pillow," and an interlineation of "General Smith," which I made. All the erasures and interlineations on the sixth, seventh, and eighth pages were made by me. I don't see one that was not, except the address to the editors of the Union, which erasure was made, I suppose, by the writer.

Question by prosecution. What became of the original paper after its publication in the Delta?

Answer. I retained it for several days among my papers, until it passed out of my possession into that of Mr. McGinness, who is the keeper of our papers and letters; I have no personal knowledge of the letter after that.

Question by prosecution. Have any attempts been made to influence the course of the Delta towards certain general officers of

the United States army; was any undue influence used to this end; and if so, through whom, and in respect to what general officers?

Answer. When General Pillow returned from the battle of Cerro Gordo, he was attacked in the papers for his conduct in that battle. I, as the editor of the Delta, defended him, and replied to these attacks, without knowing General Pillow personally. This led to a controversy between the Delta and other papers, which induced the political and personal friends of General Pillow to look upon the Delta as the paper which was most likely to defend him in case he got into any other difficulties. I had no occasion to refer to General Pillow after the Cerro Gordo controversy, until after the battle of Contreras and Churubusco; up to that time my relations with General Pillow did not extend beyond a simple introduction and short conversation with him upon general affairs, which introduction and conversation were accidental, as I was desirous of avoiding any intimacy with an officer whom I had defended with some earnestness. The only communication ever made by General Pillow with a view of influencing me, was in a letter addressed to the Hon. John Slidell, enclosing a letter, which was published in the Delta as a private letter, addressed by General Pillow to a friend in this city, and a copy of one which had been previously addressed to the editors of the Picayune by Major Burns. In the letter to Mr. Slidell, General Pillow expressed his surprise that the Delta had manifested some hostility towards him, referring to an article which appeared on the 19th of November, I believe in relation to the battle of Contreras, requesting Mr. Slidell to call on me (by name) and show me that it was not to our interest to attack him, and defending his conduct generally, setting forth the defence of his conduct in such a manner as impressed me with the opinion that General Pillow considered that he had some claims on me as a member of the same political party as himself.

Question by prosecution. Was any indication given to those interested in the "Delta," that it would be to the advantage of said newspaper to change its course in reference to certain general officers of the United States army—and, if so, in respect to what general officers, and by whom?

Answer. The friends of General Pillow and General Worth in this city have approached me with a view of inducing me to defend those gentlemen in their controversy with General Scott, by arguments addressed to my political bias—not by any influence that would be unusual or improper.

Question by defence. Witness will examine the number of the "Delta" here shown him, containing the first publication of the letter "Leonidas," dated 10th September, 1847, and say if the editorial remarks preceding its insertion were those which controlled the action of its editors in its insertion?

Answer. The editorial I request may be entered upon the record, and I then answer by saying, it speaks for itself:

"The Great Battle.—As every thing relating to the great battles recently fought near the city of Mexico is, at present, deeply in-

teresting, we give the following description of those battles, written by a gentleman attached to the division of General Pillow. The *esprit du corps* of the writer may have led him into a natural and excusable excess of praise of his own division, but as he says nothing in disparagement of the other divisions of the army, we give his letter, omitting some parts of it, in order to get it into our, at present, very crowded columns."

Question by defence. Witness will state at what time the letter addressed to Mr. Slidell was written, and if the letter referred to was the same recently published in that paper, in which General Pillow defends himself against the attacks of the press, in connecting his name with the authorship of the "Leonidas" letter, and not against General Scott's charges; give, also, the date of that letter, as nearly as he can recollect?

Answer. I can't recollect the date of the letter. The object of the letter is correctly described, however, in the question.

Question by defence. In the note to Mr. Slidell, referred to by witness, he will state if General Pillow did not say he was persuaded the hostility of the "Delta" towards him had proceeded from a misapprehension on the part of its editors, in regard to General Pillow's conduct, and his official reports, and under the impression that he (General Pillow) had had some agency in the "Leonidas" letter, and that, as that question was put to rest by Major Burns's avowal, and as he could see no interest of the "Delta's" which could be promoted by a hostile course, he hoped, upon this light coming before the public, there would be no disposition felt to assail him; was this the general character of the private note referred to which induced the opinion expressed by witness above, in regard to the object of that letter?

Answer. As far as my recollection serves, that is the general tenor of the note.

Question by defence. How long was usually required, about August or September last, for Mr. Freaner's packages to come from the valley of Mexico to the city of New Orleans?

Answer. At that time the communication was so difficult that they were very irregular; it was very uncertain. Our report of the battles of Contreras and Churubusco, and the correspondence between General Scott and the President of Mexico, leading to the armistice, were made up on the 22d of August, and reached us on the 8th of September.

Question by defence. Was it at all probable, or possible, at that time, for letters to have left the valley of Mexico and reached this city in seven days, with their means of transportation?

Answer. I should think not at that time; we have got lately letters in seven or eight days, but at that time I should not think it was possible.

Question by defence. What induced the witness to publish the fact of the interlineations in the Leonidas letter having been made by himself; was it done in consequence of witness's having seen in the proceedings of this court, that witnesses in Mexico had tes-

tified their opinion that these interlineations were made by General Pillow, and was it therefore as an act of justice to General Pillow, that the fact was made public through the "Delta," that these interlineations were made by the witness.

Answer. Yes.

Question by court. At the bottom of the last page of the manuscript original of the Leonidas communication, is what purports to be a letter to the editors of the "Delta" signed "A. W. Burns, U. S. A." Was that letter a part of the manuscript as it came to your hands in New Orleans?

Answer. Yes.

The judge advocate stated that he wished to examine a witness at Louisville, Kentucky, in relation to the last meal taken by the late Colonel Butler at San Augustin, and to the point whether paymaster Burns was present or not.

General Pillow said that he did not think it necessary for him to attend the court to that place, but that as his friend Lieutenant Colonel Duncan would go up the river, he would devolve upon him the cross-examination of the witness, should such be necessary.

The court then adjourned, to meet at Louisville, at the call of the president.

LOUISVILLE, KENTUCKY, May 16, 1848.

The court met by call of the president: present, all the members, the judge advocate and recorder.

Colonel Duncan present, in behalf of Major General Pillow.

Mr. J. R. Throckmorton, of Louisville, duly sworn, says:

Question by prosecution. Were you at San Augustin, near the city of Mexico, on the nineteenth of August last; and if so, did you see the late Colonel Butler, of the South Carolina volunteers, on that day?

Answer. I was there on that day, and saw Colonel Butler at the quarters of Captain Montgomery, quartermaster, and myself. He was there soon after the division to which he was attached came up. He was unwell.

Question by prosecution. Did he dine with you that day?

Answer. He dined with us that day, or rather took a snack, as he was unwell and could not eat much.

Question by prosecution. Who was present at that dinner?

Answer. Captain Montgomery was one, Mr. George Whitman was another, and a clerk of Captain Montgomery, and also the postmaster and a young man who was, as I understood afterwards, postmaster in the city of Mexico. There were persons going in and out all the time, and several persons partook of what we had.

Question by prosecution. Was paymaster Burns present at that dinner?

Answer. I do not recollect whether he was or not. He was in

our quarters once or twice while we were at San Augustin, but I cannot recollect whether it was on that day or not. He made sociable visits. It is my impression that he called two or three times.

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FREDERICK, *May 29, 1848.*

The court met: present, all the members, the judge advocate and recorder.

In consequence of the absence of General Pillow, the court adjourned until to-morrow morning at 10 o'clock.

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FREDERICK, *May 30, 1848.*

The court met: present, all the members, the judge advocate and recorder.

The court adjourned until to-morrow morning at 10 o'clock, in consequence of the absence of General Pillow.

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FREDERICK, *May 31, 1848.*

The court met: present, all the members, the judge advocate and recorder.

The court, understanding that General Pillow could not reach this place until to-morrow afternoon, adjourned till 10 o'clock on Friday, the second of June.

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FREDERICK, *June 2, 1848.*

The court met: present, all the members, the judge advocate and recorder.

General Pillow still absent, and the court adjourned until to-morrow morning at 10 o'clock.

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FREDERICK, *June 3, 1848.*

The court met: present, General Towson, Colonel Belknap, and the judge advocate and recorder.

The court then adjourned until Monday morning at 10 o'clock.

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FREDERICK, *June 5, 1848.*

The court met: present, all the members, judge advocate and recorder.

Major General Scott in attendance.  
Major General Pillow before the court.

Major General Scott stated that he had been prevented by sickness from attending the court.

General Pillow read the following:

*Mr. President and gentlemen of the court:*

After an absence from my family of nearly two years, I felt it my duty to touch at my residence, on my way hither. I did so, and spent but one day there. Though I had full time to have made the journey to this place under ordinary circumstances, in time to have been present at the meeting of the court, on the 29th ult., unusual and unavoidable detention upon the river put it out of my power to do so.

I regret that my absence should have produced any delay in the proceedings of the court, and trust that this explanation may be deemed satisfactory.

Major General Scott said that he had hoped to proceed with the examination of the witnesses this morning, but that his recent illness had left him too feeble to bear the fatigue.

Major General Pillow, on the part of the defence, offered two affidavits, which the President directed should be shown to General Scott, before the question of their reception should be decided, marked W.

The court then adjourned until to-morrow morning at 9 o'clock.

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FREDERICK, *June 6, 1848.*

The court met pursuant to adjournment: present, all the members, and the judge advocate and recorder.

Major General Scott in attendance.  
Major General Pillow before the court.

Major General Scott said that he had not had time to examine the affidavits presented yesterday, and said further that he would be able, after a few days, to determine whether he would consent to the admission.

The matter was then laid aside for the present.

General Pillow offered the following motion:

*Mr. President and gentlemen of the court:*

The prosecutor, on the 18th day of the proceedings of the court, proposed, for the purpose of impeaching the testimony of Major Burns, to prove by Lieutenant Clark, that said Burns had been a witness before a court held in Puebla, in July, 1847, of which the